IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Bail Appl..No. 7104 of 2006(K)

CMP.3038/2006 of J.M.F.C.-II,TRIVANDRUM
CMP.3082/2006 of J.M.F.C.-II,TRIVANDRUM
CRIME NO.56/06 OF THUMBA POLICE STATION

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PETITIONERS/ACCUSED NOS.1 & 4 (PARTIES IN CUSTODY)

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1. KRISHNAKUMAR @ APPRANI,
S/O.KRISHNANKUTTY, CHITHAMBARAVILAKATHU VEEDU,
MULHUVILA, THEKKUMBHAGAM MURI,
KAZHAKKUTTAM VILLAGE.

2. LAL, S/O.THANKAPPAN,
CHITHAMBARAVILAKATHU VEEDU, MULLUVILA,
ATTIPRA DESOM, ATTIPRA VILLAGE.

BY ADV. SRI.M.SREEKUMAR

RESPONDENT/STATE/COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7104 OF 2006

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DATED THIS THE 6TH DAY OF DECEMBER, 2006

O R D E R

Petitioners who are accused 1 and 4 in Crime No.56/06 of Thumba Police Station for offences punishable under sections 143, 147, 148, and 304 read with sections 3 and 5 of the Explosive Substances Act, 1905, seek bail. The first petitioner who is the first accused was arrested on 6.10.2006 and the second petitioner was arrested on 16.10.2006.

2. In the light of the opposition by the learned Public Prosecutor, I am not inclined to grant bail to the second petitioner, who is the 4th accused. In the case of the first accused, notwithstanding the opposition, since the charge sheet has not been filed even after 60 days of judicial custody, the first petitioner is entitled to bail as of right by virtue of the proviso to section 167(1) Cr.P.C.

3. Accordingly, this application is allowed in part and the first petitioner is directed to be released on bail on his executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Thiruvananthapuram and subject to the following conditions:

1. The first petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The first petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The first petitioner shall not commit any offence while on bail.

If the first petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

The request for bail by the second petitioner is disallowed.

V.RAMKUMAR, JUDGE.

dsn